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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,) Case No.: 2:13-mj-652-VCF
11 Plaintiff,)) STIPULATION TO CONTINUE
12 vs.)) PRELIMINARY HEARING
13 JOHN DOE, a.k.a. Arnold Malone,)) (First Request)
14 Defendant.))
15 _____

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
17 United States Attorney, and Sarah E. Griswold, Assistant United States Attorney, counsel for the
18 United States of America, and Raquel Lazo, Assistant Federal Public Defender, counsel for
19 Defendant John Doe, a.k.a. Arnold Malone, that the Preliminary Hearing in this matter currently
20 scheduled for May 4, 2015, at the hour of 4:00 p.m., be vacated and set to a date and time to be set
by this court; however, no earlier than sixty (60) days.

21 This Stipulation is being entered into for the following reasons:

22 1. The United States will provide early discovery upon entry of a protective order, and
23 the continuance is needed to allow the defendant time to review the evidence in anticipation of a
24 pre-indictment resolution of the case.

2. The defendant is incarcerated, and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the government and the defendant sufficient time to attempt to resolve this matter.

4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly complete negotiations, taking into account the exercise of due diligence.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

7. This is the first request for a continuance of the preliminary hearing.

DATED: this 27th day of April, 2015.

DANIEL G. BOGDEN
United States Attorney

/s/ Sarah E. Griswold
SARAH E. GRISWOLD
Assistant United States Attorney

/s/ Raquel Lazo
RAQUEL LAZO
Counsel for Defendant John Doe
a.k.a. Arnold Malone

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) Case No.: 2:13-mj-652-VCF
Plaintiff,)
vs.) ORDER TO CONTINUE PRELIMINARY
JOHN DOE, a.k.a. Arnold Malone,) HEARING
Defendant.)
)

FINDINGS OF FACT

Based on the pleadings and arguments of counsel, and good cause appearing therefore, the Court finds that:

1. The United States will provide early discovery upon entry of a protective order, and the continuance is needed to allow the defendant time to review the evidence in anticipation of a pre-indictment resolution of the case.

2. The defendant is incarcerated, and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the government and the defendant sufficient time to attempt to resolve this matter.

4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly complete negotiations, taking into account the exercise of due diligence.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by the parties' Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

7. This is the first request for a continuance of the preliminary hearing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would likely result in a miscarriage of justice, and would deny the parties herein sufficient time within which to complete plea negotiations and inspect the discovery, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, 18 United States Code § 3161(h)(7)(A), when considering the factors under 18 United States Code § 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on May 4, 2015, at the hour of 4:00 p.m., be vacated and continued to July 7, 2015 at the hour of 4:00 p.m., in courtroom 3D.

UNITED STATES MAGISTRATE JUDGE